

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
(WESTERN DIVISION)**

TITAN TIRE CORPORATION OF FREEPORT,)

Plaintiff,)

V.)

UNITED STEELWORKERS OF AMERICA,
LOCAL 745L,)

Defendant.)

CASE NO. 3:08-cv-50014

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

Plaintiff, Titan Tire Corporation of Freeport ("Titan Tire"), moves for summary Judgment, pursuant to Federal Rule of Civil Procedure 56, and Local Rule of the Northern District of Illinois 56.1(a) as follows:

1. On January 21, 2008, Titan Tire filed its Motion to Vacate Arbitration Award ("Motion") (Doc. No. 1).
2. On February 25, 2008, the United Steelworkers of America, Local 745L ("Union") filed its Answer, Defenses and Counterclaim (Doc. No. 11.)
3. Titan Tire's Motion contests Arbitrator Allen Cook's issuance of an Award, dated October 22, 2007, in favor of the Union. (*See* Ex. B to Pl.'s Mot.)
4. The undisputed material facts show that the Arbitrator exceeded his authority by modifying the terms of the collective bargaining agreement ("CBA") between Titan Tire and the Union by directing Titan Tire to allow the Union to conduct United Way campaigns.
5. The Arbitrator erred in following the arbitration procedure set forth in Article XI, Section 7 of the CBA and added terms.

6. As a result, the Award does not draw its essence from the CBA.

7. The Union's affirmative defenses, which are procedural in nature, lack any merit and basis in law.

8. Titan Tire hereby incorporates in its entirety its Statement of Undisputed Facts and its Memorandum of Law in Support of Motion for Summary Judgment.

WHEREFORE, Titan Tire Corporation of Freeport requests that the Court grant its Motion for Summary Judgment, and enter an Order vacating the October 22, 2007, award of Arbitrator Alan J. Cook as improperly modifying the terms of the collective bargaining agreement.

TITAN TIRE CORPORATION OF FREEPORT,
Plaintiff

/s/ Michael R. Lied

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CERTIFICATE OF SERVICE

I hereby certify that on April 21, 2008 I electronically filed the above and foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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